

REMARKS

Applicant has amended claims 5-10 to differently recite the invention. Also, claims 1-4 have been cancelled and claims 11-20 have been withdrawn from consideration. Accordingly, claims 5-10 are currently pending for consideration.

In the pending Office Action, claim 5 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims; claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Yang et al. (U.S. Patent Application Publication No. US 2002/0053872, hereinafter "Yang"); claims 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yang in view of Eliashevich et al. (International Patent Publication No. WO 02/41406, hereinafter "Eliashevich"); claims 1, 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kish, Jr. et al. (U.S. Patent No. 5,724,376, hereinafter "Kish") in view of Yang; and claims 2-4 and 6-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kish in view of Yang and further in view of Quintana (U.S. Patent No. 4,956,683, hereinafter "Quintana"). Applicant traverses these objections and rejections, at least for the following reasons.

Applicant appreciates the examiner's indication of allowability of previously dependent claim 5. Per the Examiner's helpful suggestion, Applicant has now cancelled claims 1-4, rewritten Claim 5 in independent form, and amended remaining pending Claims 6-9 to depend on Claim 5. (Dependent Claim 10 depends on independent Claim 5 indirectly via amended Claim 9.) Since the Examiner has indicated that Claim 5 is directed to allowable subject matter, and only Claim 5 and its dependent claims remain pending for consideration, Applicant

respectfully submits that all of the pending claims are now in condition for allowance.

Reconsideration and withdrawal of the pending rejections are therefore now respectfully requested.

In view of the foregoing, Applicant submits that the claims patentably distinguish over the applied references of record, and meet all of the other criteria for patentability. Accordingly, reconsideration and withdrawal of the objections and rejections set forth in the pending Office Action are respectfully requested, and a favorable action is earnestly solicited.

CONCLUSION

In view of the foregoing, Applicant submits that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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